

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ARTHUR EDGAR GROSHONG, JR.,

Plaintiff,

Case No. 14-cv-12183

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND
REVERSING AND REMANDING THE DECISION OF THE COMMISSIONER**

On June 3, 2014, Plaintiff Arthur Groshong filed a Complaint appealing the determination by the Social Security Administration that he was not entitled to benefits. Compl., ECF No. 1. September 26, 2014, Plaintiff Groshong filed a motion for summary judgment seeking a determination that the Administrative Law Judge ("ALJ") who found he was not disabled erred in that conclusion. Pl.'s Mot. Summ. J., ECF No. 15. Defendant Commissioner also filed a motion for summary judgment seeking affirmance of the ALJ's determination. Def.'s Mot. Summ. J., ECF No. 16. All pretrial matters in this case were referred to Magistrate Judge R. Steven Whalen for determination of all non-dispositive motions and issuance of a Report and Recommendation. ECF No. 4. On January 12, 2015, the case was reassigned to Magistrate Judge Elizabeth A. Stafford. ECF No. 18.

On August 12, 2015, Judge Stafford issued a report recommending that Plaintiff's motion for summary judgment be granted in part and denied in part, Defendant's motion for summary judgment be denied, and the Commissioner's decision be reversed and the case remanded for

further factual findings. Rep. & Rec. 1-2, ECF No. 19. Judge Stafford reviewed the Administrative Law Judge's decision to determine if it was supported by substantial evidence. *Id.* at 6-7. She found that the ALJ's "good reasons" for rejecting Groshong's treating physician's opinions were unsupported by the record. *Id.* at 7-15. As a result, she recommended reversing and remanding the ALJ's decision with the instruction that the ALJ "either provide good reasons for not giving controlling weight to all of Dr. Linz's restriction or to incorporate all of the restrictions in Groshong's RFC." *Id.* at 15. Accordingly, Judge Stafford recommended only granting Plaintiff's motion for summary judgment in part because it sought, alternatively, remand and reversal with a direct award of benefits. *Id.* at 1-2.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 19, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 15, is **GRANTED in part and DENIED in part**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 16, is **DENIED**.

It is further **ORDERED** that the decision of the Administrative Law Judge is **REVERSED and REMANDED** for proceedings consistent with the Report and Recommendation.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 28, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 28, 2015.

s/Karri Sandusky
Karri Sandusky, Acting Case Manager